

UNITED STATES DISTRICT COURT

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August 23, 2005

Richard W. Wieking, Clerk
United States District Court
Northern District of California
450 Golden Gate Avenue
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San Francisco, CA 94102

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AUG 30 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re: MDL 1657 Vioxx Products Liability Litigation

Your Case No. C.A. 3:05-937 Vick
Kargodorian v. Merck & Co., Inc.
Our Case No. C.A. 05-3791 L (3)

Dear Mr. Wieking:

Enclosed is a certified copy of a transfer order received from the Multidistrict Litigation Panel in Washington, D.C. It instructs that the case listed above be transferred to our district for disposition pursuant to Title 28 USC 1407, as soon as possible. Our office has assigned a new civil action number to this case as referenced above.

DO NOT FORWARD THE ORIGINAL RECORD. The Honorable Eldon E. Fallon, U.S. District Court Judge issued an order directing that the transfer of records consist of only a certified copy of the complaint (including notice of removal, if applicable), any amendments, the docket sheet and the MDL Transfer Order, together with a copy of the transfer letter be forwarded to the transferor court.

Due to the high volume of cases involved in this litigation please provide paper copies of the above documents instead of simply referring to your website.
Your prompt attention in this matter is greatly appreciated.

Should you have any questions regarding this request, please contact Dina Guilbeau at (504)589-7704.

Very truly yours,
Loretta G. Whyte, Clerk

By 
Deputy Clerk

Enclosures

cc: Judicial Panel on Multidistrict Litigation

A CERTIFIED TRUE COPY

AUG 11 2005

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONU.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2005 AUG 15 AM 11:56

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG 11 2005

DOCKET NO. 1657

MDL 1657

FILED
CLERK'S OFFICE**FILED**

AUG 11 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

C 05-0937 MHP

IN RE VIOXX PRODUCTS LIABILITY LITIGATION**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
LOWELL JENSEN, J. FREDERICK MOTZ,* ROBERT L. MILLER, JR.,
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL****TRANSFER ORDER**

Presently before the Panel are motions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in the 30 actions listed on Schedule A to vacate the Panel's orders conditionally transferring the actions to the Eastern District of Louisiana for inclusion in the Section 1407 proceedings occurring there in this docket. Merck & Co., Inc., favors inclusion of these actions in MDL-1657 proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Eastern District of Louisiana. Transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Any pending motions to remand to state court can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for the reasons expressed in the original order directing centralization in this docket. In that order, the Panel held that the Eastern District of Louisiana was a proper Section 1407 forum for actions involving claims of liability for allegedly adverse effects arising from the ingestion of Vioxx. *See In re Vioxx Products Liability Litigation*, 360 F.Supp.2d 1352 (J.P.M.L. 2005).

To the Ohio plaintiff who argues that she does not have the resources to litigate this matter in the Eastern District of Louisiana, we emphasize that since Section 1407 transfer is for pretrial proceedings, there is usually no need for the parties and witnesses to travel to the transferee district for depositions or otherwise. *See, e.g., Fed.R.Civ.P. 45(c)(3)(A)*. Furthermore, the judicious use of liaison counsel, case coordinators and hearing committees will eliminate the need for most counsel ever to travel to the transferee district. And it is logical to assume that prudent counsel will combine their forces and

**CLERK'S OFFICE
A TRUE COPY**

AUG 19 2005

Judge Motz took no part in the decision of this matter.

Deputy Clerk, U.S. District Court
Eastern District of Louisiana
New Orleans, LA

Fee _____
 Process _____
☒ Dktd _____
 CtRmDep _____
 Doc. No. _____

- 2 -

apportion their workload in order to streamline the efforts of the parties and witnesses, their counsel and the judiciary. This streamlining combined with the uniform case management approach already instituted by the transferee judge will foreseeably lead to an overall savings in transaction costs. See *In re Asbestos Products Liability Litigation (No. VI)*, 771 F.Supp. 415, 422 (J.E.M.L. 1991).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Eldon E. Fallon for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE A

MDL-1657 -- In re Vioxx Products Liability LitigationEDLA
SEC. L/3Northern District of California

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| <i>Vick Kargodorian v. Merck & Co., Inc., et al., C.A. No. 3:05-937</i> | 05-3791 |
| <i>Nora Olson, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-1256</i> | 05-3792 |

Southern District of California

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| <i>Robert V. Purcell v. Merck & Co., Inc., et al., C.A. No. 3:05-443</i> | 05-3793 |
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District of Connecticut

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| <i>JoAnn Malek v. Eric Rosenberg, M.D., et al., C.A. No. 3:05-543</i> | 05-3794 |
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Middle District of Florida

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| <i>Migna Serrano, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-170</i> | 05-3795 |
| <i>Conchita Merced-Torres, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-449</i> | 05-3796 |
| <i>Samuel Diaz, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-472</i> | 05-3797 |
| <i>Wayne Vigil, et al. v. Merck & Co., Inc., et al., C.A. No. 8:05-223</i> | 05-3798 |

Southern District of Illinois

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| <i>Helen Wood v. Merck & Co., Inc., et al., C.A. No. 3:05-168</i> | 05-3799 |
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Eastern District of Missouri

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| <i>Curt Meng, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-194</i> | 05-3800 |
| <i>Ronald Colbert, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-195</i> | 05-3801 |
| <i>Carver Black, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-297</i> | 05-3802 |
| <i>John Hodges, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-302</i> | 05-3803 |
| <i>Renee Lockett, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-304</i> | 05-3804 |
| <i>LeJuana Young, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-309</i> | 05-3805 |
| <i>Kathryn Pueser, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-430</i> | 05-3806 |
| <i>Chris Piechoinski, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-431</i> | 05-3807 |
| <i>Lorraine Phillip, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-433</i> | 05-3808 |
| <i>Barbara O'Bannon, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-434</i> | 05-3809 |
| <i>Mary Miles, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-435</i> | 05-3810 |
| <i>Jeffrey McDaniel, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-436</i> | 05-3811 |
| <i>Louise McCarter, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-437</i> | 05-3812 |

- A2 -

| <u>Eastern District of Missouri</u> [continued] | EDLA SEC. L/3 |
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| <i>Norma Hubbard, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-438 | 05-3813 |
| <i>Delores Holmes, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-439 | 05-3814 |
| <i>Terry Frame, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-440 | 05-3815 |
| <i>Jane Cavins, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-441 | 05-3816 |
| <i>Charlesetta Butler, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-442 | 05-3817 |
| <u>Northern District of Ohio</u> | |
| <i>Kimberly Kaiser, et al. v. Merck & Co., Inc.</i> , C.A. No. 1:05-776 | 05-3818 |
| <u>Western District of Pennsylvania</u> | |
| <i>Mary Ellen Magnifico v. Merck & Co., Inc.</i> , C.A. No. 2:05-386 | 05-3819 |
| <u>Northern District of West Virginia</u> | |
| <i>William David Lough, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 5:05-34 | 05-3820 |

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